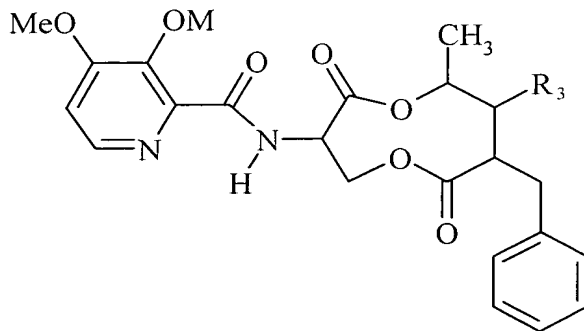


In the Claims

1. (Previously Amended) A compound having the following formula



wherein R_3 is selected from the group consisting of H, R_1 , OR_1 , $OC(O)OR_1$ or $OC(O)NR_1R_6$, where R_1 is selected from the group consisting of C_1 - C_8 alkyl, C_2 - C_8 alkenyl, C_2 - C_8 alkynyl, or C_3 - C_8 cycloalkyl, and where R_6 is selected from the group consisting of H, C_1 - C_6 alkyl, C_3 - C_6 cycloalkyl, C_2 - C_5 alkenyl or C_2 - C_5 alkynyl; and

wherein M is selected from the group consisting of $C(O)R_8$, or SO_2R_9 where R_8 is selected from the group consisting of H, C_1 - C_6 alkyl, C_2 - C_6 alkenyl, C_2 - C_6 alkynyl, C_3 - C_6 cycloalkyl, alkoxyalkyl, haloalkyl, alkoxyalkenyl, haloalkenyl, alkoxyalkynyl, haloalkynyl, substituted and unsubstituted arylalkyl, substituted and unsubstituted arylalkenyl, substituted and unsubstituted arylalkynyl, substituted and unsubstituted aryl, substituted and unsubstituted heteroaryl, C_1 - C_6 alkoxy, C_3 - C_6 cycloalkoxy, C_1 - C_6 haloalkoxy, C_2 - C_6 alkenyloxy, C_2 - C_6 haloalkenyloxy, C_2 - C_6 alkynyloxy, C_2 - C_6 haloalkynyloxy, C_1 - C_6 thioalkoxy, substituted and unsubstituted arylalkoxy, substituted and unsubstituted arylalkenyloxy, substituted and unsubstituted arylalkynyloxy, substituted and unsubstituted aryloxy, substituted and

unsubstituted heteroaryloxy, amino unsubstituted or substituted with one or two C₁-C₆ alkyl groups,

wherein alkyl, alkenyl, and alkynyl, include within their scope both straight and branched groups, the terms alkenyl, alkenylene are intended to include groups containing one or more double bonds, and the terms alkynyl, alkynylene are intended to include groups containing one or more triple bonds,

cycloalkyl, refers to C₃-C₁₄ cycloalkyl groups containing 0-3 heteroatoms and 0-2 unsaturations, the foregoing terms further contemplate either substituted or unsubstituted forms, unless specifically defined otherwise, a substituted form refers to substitution with one or more groups selected from halogen, hydroxy, cyano, nitro, aroyl, aryloxy, aryl, arylthio, heteroaryl, heteroaryloxy, heteroarylthio, C₁-C₈ acyl, C₁-C₆ haloalkyl, C₁-C₆ alkoxy, C₁-C₆ haloalkoxy, C₁-C₆ alkylthio, C₁-C₆ haloalkylthio, carboaryloxy, carboheteroaryloxy, C₁-C₆ carboalkoxy or amido unsubstituted or substituted with one or two C₁-C₆ alkyl groups,

wherein the term aryl refers to a substituted phenyl or naphthyl group, the term heteroaryl refers to any 5 or 6 membered aromatic ring containing one or more heteroatoms, these heteroaromatic rings may also be fused to other aromatic systems, the foregoing terms further contemplate either substituted or unsubstituted forms, a substituted form refers to substitution with one or more groups selected from nitro, C₁-C₆ alkyl, C₁-C₆ haloalkyl, C₃-C₆ cycloalkyl, C₂-C₆ alkenyl, C₂-C₆ alkynyl, aryl, heteroaryl, halogen, hydroxy, C₁-C₆ alkoxy, C₁-C₆ haloalkoxy, C₁-C₆ alkylthio, C₁-C₆ alkylsulfonyl, C₁-C₆ alkylsulfinyl, C₁-C₆ OC(O)alkyl, OC(O)aryl, C₃-C₆ OC(O)cycloalkyl, C₁-C₆ NHC(O)alkyl, C₃-C₆ NHC(O)cycloalkyl, NHC(O)aryl, NHC(O)heteroaryl, C₃-C₆

cycloalkylthio, C₃-C₆ cycloalkylsulfonyl, C₃-C₆ cycloalkylsulfinyl, aryloxy, heteroaryloxy, heteroarylthio, heteroarylsulfinyl, heteroarylsulfonyl, arylthio, arylsulfinyl, arylsulfonyl, C(O)R_Y, C(NOR_X)R_Y where R_Y and R_X are independently H, C₁-C₆ alkyl, C₂-C₆ alkenyl, C₃-C₆ cycloalkyl, aryl or heteroaryl in which any alkyl or cycloalkyl containing substituent may be substituted with one or more halogens, the terms halogen and halo include chlorine, bromine, fluorine and iodine, the term haloalkyl refers to groups substituted with one or more halogen atoms, the term alkoxy as used herein refers to a straight or branched chain alkoxy group, the term haloalkoxy refers to an alkoxy group substituted with one or more halogen atoms, where R₉ is selected from the group consisting of C₁-C₆ alkyl, C₂-C₆ alkenyl, C₃-C₆ alkynyl, C₃-C₆ cycloalkyl, aryl, or heteroaryl.

- 2.(cancelled) [A compound according to claim 1 wherein R₃ is H and M is H.]
- 3.(original) A compound according to claim 1 wherein R₃ is H and M is C(O)R₈.
4. (original) A compound according to claim 1 wherein R₃ is H and M is SO₂R₉.
- 5.(cancelled) [A compound according to claim 1 wherein R₃ is R₁ and M is H.]
6. (original) A compound according to claim 1 wherein R₃ is R₁ and M is C(O)R₈.
7. (original) A compound according to claim 1 wherein R₃ is R₁ and M is SO₂R₉.
- 8.(cancelled) [A compound according to claim 1 wherein R₃ is OR₁ and M is H.]
9. (original) A compound according to claim 1 wherein R₃ is OR₁ and M is C(O)R₈.
10. (original) A compound according to claim 1 wherein R₃ is OR₁ and M is SO₂R₉.
- 11.(cancelled) [A compound according to claim 1 wherein R₃ is OC(O)OR₁ and M is H.]
12. (original) A compound according to claim 1 wherein R₃ is OC(O)OR₁ and is C(O)R₈.
13. (original) A compound according to claim 1 wherein R₃ is OC(O)OR₁ and M is SO₂R₉.

- 14.(cancelled) [A compound according to claim 1 wherein R_3 is $OC(O)NR_1R_6$ and M is H.]
15. (original) A compound according to claim 1 wherein R_3 is $OC(O)NR_1R_6$ and M is $C(O)R_8$.
16. (original) A compound according to claim 1 wherein R_3 is $OC(O)NR_1R_6$ and M is SO_2R_9 .
17. (original) A method for the control or prevention of fungal infestation, which comprises applying to the locus of the fungus or the locus in which the infestation is to be controlled or prevented, a fungicidally effective amount of the compound of claim 1.
- 18.(cancelled) A method according to claim 17 wherein said compound R_3 is H and M is H.
19. (original) A method according to claim 17 wherein said compound R_3 is H and M is $C(O)R_8$.
20. (original) A method according to claim 17 wherein said compound R_3 is H and M is SO_2R_9 .
- 21.(cancelled) [A method according to claim 17 wherein said compound R_3 is R_1 and M is H.]
22. (original) A method according to claim 17 wherein said compound R_3 is R_1 and M is $C(O)R_8$.
23. (original) A method according to claim 17 wherein said compound R_3 is R_1 and M is SO_2R_9 .
- 24.(cancelled) [A method according to claim 17 wherein said compound R_3 is OR_1 and M is H.]
25. (original) A method according to claim 17 wherein said compound R_3 is OR_1 and M is $C(O)R_8$.
26. (original) A method according to claim 17 wherein said compound R_3 is OR_1 and M is SO_2R_9 .
- 27.(cancelled) [A method according to claim 17 wherein said compound R_3 is $OC(O)OR_1$ and M is H.]
28. (original) A method according to claim 17 wherein said compound R_3 is $OC(O)OR_1$ and is $C(O)R_8$.

29. (original) A method according to claim 17 wherein said compound R_3 is $OC(O)OR_1$ and M is SO_2R_9 .
30. (cancelled) [A method according to claim 17 wherein said compound R_3 is $OC(O)NR_1R_6$ and M is H.]
31. (original) A method according to claim 17 wherein said compound R_3 is $OC(O)NR_1R_6$ and M is $C(O)R_8$.
32. (original) A method according to claim 17 wherein said compound R_3 is $OC(O)NR_1R_6$ and M is SO_2R_9 .
33. (original) A composition comprising a hydrate, salt, or complex of a compound according to claim 1.